

Before the DOCKET FILE COPY ORIGINAL
 Federal Communications Commission
 Washington, D.C. 20554

In the Matter of

Investigation of Alascom, Inc.

Interstate Transport and Switching Services

Alascom, Inc

Revisions to Tariff F.C.C. No. 11

2000 DEC 28 A 11:59

CC Docket No. 95-182

Transmittal No. 1184

ORDER**Adopted:** December 22, 2000**Released:** December 26, 2000

By the Chief, Competitive Pricing Division, Common Carrier Bureau:

I. INTRODUCTION

1. On November 22, 2000, Alascom, Inc., doing business as AT&T Alascom (Alascom), filed Transmittal No. 1184 to revise its Tariff F.C.C. No. 11 (Tariff 11) for the dominant common carrier interexchange services that it provides in Alaska (Alaska Services).¹ These proposed tariff revisions are scheduled to become effective January 1, 2001. Under this transmittal, Alascom proposes to revise certain per minute transport and switching rates for service to intra-Alaska Bush and Non-Bush locations (that is, between Alaska local exchange carrier offices and Alascom's switching center) and to revise certain Bush and Non-Bush transport rates for traffic between Alaska and the Continental United States (that is, between Anchorage and Portland, Oregon).²

2. Within the time period specified by our rules, no petitions were filed in opposition to the above transmittal.³ Nevertheless, for the reasons explained below, we suspend the effectiveness of the above transmittal for one day, set it for investigation, consolidate this investigation into the investigation

¹ The Alaska Services offered by Alascom have been established to enable other domestic interexchange carriers to provide telecommunications services to and from Alaska. See Integration of Rates and Services for the Provision of Communications by Authorized Common Carriers between the Contiguous States and Alaska, Hawaii, Puerto Rico and the Virgin Islands, CC Docket No. 83-1376, 9 FCC Rcd 3023 (1994).

² Alascom, Inc., Revisions to Tariff F.C.C. No. 11, Trans. No. 1184, filed Nov. 22, 2000, Transmittal Letter at 1.

³ Under Part 1.773(a)(2)(iv) of our rules, 47 C.F.R. § 1.773(a)(2)(iv), petitions seeking suspension of the above tariff revisions were due on or before December 7, 2000. On December 14, General Communication, Inc. (GCI), filed a pleading styled, "Petition of GCI to Suspend and Investigate and Motion to Accept Late-Filed Petition." While GCI acknowledges that its petition was filed late, GCI asks that it be accepted because the above transmittal is not scheduled to become effective until January 1, 2001, and because this transmittal raises the same issues as earlier Tariff 11 filings that were subject to suspension and investigation. On December 21, ACS Long Distance, Inc. (ACS-LD), filed a pleading styled, "Petition of ACS-LD to Suspend and Investigate and Motion to Accept Late-Filed Petition." The ACS-LD pleading also acknowledges that its petition was filed late and makes arguments similar to those raised by GCI. Because neither GCI nor ACS-LD explain satisfactorily their inability to file their petitions in a timely manner, we deny both their motions and dismiss their related petitions.

initiated in the *Transmittal 790 Suspension Order*,⁴ and impose an accounting order.

II. DISCUSSION

3. We have reviewed the above transmittal and its supporting materials. We find that Transmittal No. 1184 raises the same issues regarding rate levels, rate structures, and terms and conditions of service as those identified in the *Transmittal 790 Suspension Order*. For example, the proposed tariff revisions, like those in the earlier Alascom Transmittal Nos. 790, 797, 807, 852, 921, 933, 937, 941, 942, 993, and 1088, raise questions regarding the adequacy of Alascom's cost support and the extent to which the rates, terms, and conditions in the proposed tariff comply with the Communications Act and relevant Commission orders. We conclude, therefore, that significant questions of lawfulness exist concerning Alascom's Transmittal No. 1184. Accordingly, we suspend the provisions of Transmittal No. 1184 for one day, set those provisions for investigation, and consolidate that investigation with the investigation initiated in the *Transmittal 790 Suspension Order*. These rate changes also will be subject to an accounting order to facilitate any necessary refunds. Our accounting order will ensure that Tariff 11 customers will be able to receive refunds of any amounts improperly charged should the Commission ultimately determine that Alascom's tariff is unlawful.

III. ORDERING CLAUSES

4. Accordingly, IT IS ORDERED that, pursuant to Section 204(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 204(a), and through the authority delegated pursuant to Sections 0.91 and 0.291 of the Commission's Rules, 47 C.F.R. §§ 0.91, 0.291, the revisions to Alascom, Inc., Tariff F.C.C. No. 11, contained in Transmittal No. 1184 ARE SUSPENDED for one day from its effective date and an investigation of that tariff transmittal is instituted and incorporated within CC Docket No. 95-182.

5. IT IS FURTHER ORDERED that Alascom, Inc., SHALL FILE tariff revisions within five business days of the release date of this Order to reflect this suspension.

6. IT IS FURTHER ORDERED that, pursuant to Sections 4(i) and 204(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 204(a), and through the authority delegated pursuant to Sections 0.91 and 0.291 of the Commission's Rules, 47 C.F.R. §§ 0.91, 0.291, Alascom, Inc., SHALL KEEP ACCURATE ACCOUNT of all amounts received by reason of the rates that are the subject of this investigation.

7. IT IS FURTHER ORDERED that the Motion to Accept Late-Filed Petition filed by General Communication, Inc., IS DENIED and that its Petition to Suspend and Investigate Alascom Transmittal No. 1184 IS DISMISSED.

8. IT IS FURTHER ORDERED that the Motion to Accept Late-Filed Petition filed by ACS

⁴ Alascom, Inc., Tariff F.C.C. No. 11, Trans. No. 790, CC Docket No. 95-182, 11 FCC Rcd 3703 (Com.Car.Bur. 1995) (*Transmittal 790 Suspension Order*) (suspending and investigating Alascom Transmittal Nos. 790 and 797).

Long Distance, Inc., IS DENIED and that its Petition to Suspend and Investigate Alascom Transmittal No. 1184 IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink that reads "Jane E. Jackson". The signature is written in a cursive style with a large, looping initial "J".

Jane E. Jackson
Chief, Competitive Pricing Division
Common Carrier Bureau